

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION

JOHNNY O'BRYANT, 289746

PLAINTIFF

VERSUS

CIVIL ACTION NO. 1:07-cv-00477-LG-RHW

HARRISON COUNTY ADULT DETENTION CENTER,
SHERIFF GEORGE H. PAYNE, JR., WARDEN DONALD
A. CABANA AND EX-DEPUTY KARL STOLZE, 1045
LARKIN SMITH DRIVE, GULFPORT, MS 39503

DEFENDANTS

**ANSWER AND DEFENSES TO THE COMPLAINT
BY THE HARRISON COUNTY BOARD OF SUPERVISORS**

COMES NOW the Defendant, The Harrison County Board of Supervisors (hereinafter "Board"), by and through the Board's attorney of record, Karen J. Young, and file its Answer and Defenses to the Complaint filed as follows, to-wit:

FIRST AFFIRMATIVE DEFENSE

The Complaint fails to state a claim upon which relief can be granted.

SECOND AFFIRMATIVE DEFENSE

Plaintiff failed to give notice of his claim pursuant to § 11-46-11 of the 1972 Miss. Code Ann. (Supp. 1996).

THIRD AFFIRMATIVE DEFENSE

Defendant affirmatively avers and pleads the doctrine of sovereign immunity against the claim of Plaintiff.

FOURTH AFFIRMATIVE DEFENSE

The Defendant is exempt as a governmental entity pursuant to